

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHN E. CARTER, )  
Petitioner, )  
v. ) Case No. 3:90-cv-00780  
NEIL RONE, Warden, ) Judge Trauger  
Respondent. )

**MEMORANDUM AND ORDER**

John E. Carter, the petitioner in this habeas corpus action, has filed a Notice of Appeal from this court's August 5, 2020 denial of his motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(6) (Doc. No. 118), in the wake of the court's recent denial of his motion for reconsideration of the August 5 order under Federal Rule of Civil Procedure 59(e). (Doc. No. 123.) The petitioner has also filed an application for leave to proceed as a pauper on appeal (Doc. No. 126) and a motion, captioned for filing in the Sixth Circuit Court of Appeals, for "reappointment of counsel." (Doc. No. 127.)

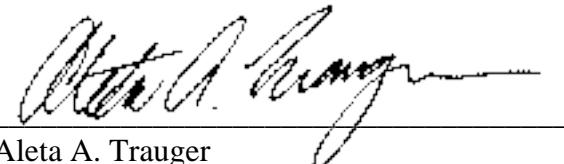
The court previously certified that any appeal from its August 5 order would not be taken in good faith, and therefore could not be taken in forma pauperis under 28 U.S.C. § 1915(a)(3). (Doc. No. 118 at 9.) The court also declined to grant a certificate of appealability from its August 5 order because reasonable jurists could not disagree with the court's denial of the petitioner's Rule 60(b)(6) motion as untimely. (Doc. No. 123 at 5.) Accordingly, the petitioner's application for leave to proceed as a pauper on appeal (Doc. No. 126) is **DENIED**.

Within **30 days** after service of this order, the petitioner must either pay the full \$505 appellate filing fee into this Court, or file in the Sixth Circuit an application to proceed in forma pauperis on appeal pursuant to Federal Rule of Appellate Procedure 24(a)(5). Failure to submit the requisite filing fee or application within the time allotted may result in summary dismissal of the appeal.

For the petitioner's use in completing any application under Rule 24(a)(5), which "must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action," the Clerk of Court is **DIRECTED** to include a copy of Doc. No. 126 with its mailing of the petitioner's service copy of this order.

The Clerk is further **DIRECTED** to forward a copy of this Order to the Sixth Circuit Court of Appeals, and to terminate Doc. No. 127 as a motion pending in this court.

It is so **ORDERED**.



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Aleta A. Trauger  
United States District Judge